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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,296	03/01/2002	Anil Seth	1488.008US1	2127

21186 7590 01/03/2007

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EXAMINER	
ROMANO, JOHN J	
ART UNIT	PAPER NUMBER
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/087,296	SETH ET AL.	
	Examiner	Art Unit	
	John J. Romano	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment and response received October 16th, 2006 responding to the June 15th, 2006, Office action provided in the rejections of claims 1-44, wherein claims 1-99 are pending in the application and which have been fully considered by the examiner.

Applicant arguing for the claims being patentable over *the prior art* (see pages 12-17 of the amendment and response) are not persuasive, as will be addressed under Prior Art's Arguments – Rejections section at item 2 and the claim rejections below. Accordingly, Applicants' arguments necessitated additional clarifications. Thus, the rejection of the claims over prior art in the previous Office action is maintained in light of the necessitated additional clarifications provided hereon and **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Prior Art's Arguments – Rejections

2. Applicant's arguments filed October 16th, 2006, in particular on pages 12-14, have been fully considered but they are not persuasive. For example,

(A) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "user-specified number of additional cycles of execution time") see response (page 12, last paragraph) are based on Applicant's interpretation of such instant limitation upon which applicant relies ("performance of code constraints") see response (page 13, second paragraph), Applicant specifically argues that the instant limitation relates to the "extra execution time of the processor caused by the addition of the power down instructions". At this point, it should be noted that this interpretation is not recited in the rejected claim(s). As clarified in previous rejections, the plain language of the claims merely recite "performance of code constraints". As defined in the originally filed disclosure (See specification, page 12, lines 10-13), "The user-specified real-time constraints can include constraints such as the number of power down instructions that can be inserted in an execution path, the number of additional cycles of execution time the user is willing to incur, and other such constraints".

That is to say that the aforementioned code *performance constraints* as previously amended and herein argued by Applicant, (i.e. reduce power by constraining execution instructions, execution time and other such constraints) are not recited in the claims. Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the claim limitation may be reasonably broadly interpreted to read on examiner's position (i.e. constraining the code based on execution time constraints) and do not necessarily require additional cycles of execution time relating to pending claim 1 and to the extra execution time of the processor caused by the addition of the power down instructions as expressly argued by Applicant (see response, page 12, last paragraph). To further clarify, "performance constraints" is applied to **Bartley** and **Li's** teachings, comprising relating power down instructions to execution time constraints. Accordingly, the rejection of claim 1 and independent claims 14, 24 and 34 are maintained in view of Applicant's instant argument.

(B) In response to Applicant's argument (page 13, third paragraph) reiterating the prior art arguments from the previous response (response, dated April 19th, 2006) regarding the rejection of the claims, for completeness. The examiner noticed that the previous arguments were interlaced with new clarification and/or additional arguments. As such, the examiner for the sake of completeness responds to Applicant's arguments below for completness.

(C) In response to applicant's argument that **Bartley** does not relate to code performance, (page 14 of the amendment and response, third paragraph), the examiner respectfully disagrees. It should be noted that Applicant defines user specified real-time constraints as follows (See specification, page 12, lines 10-13), "The user-specified real-time constraints can include constraints such as the number of power down instructions that can be inserted in an execution path, the number of

additional cycles of execution time the user is willing to incur, and other such constraints" and not solely from what is being presented ("extra execution time of the processor caused by the addition of the power down instructions"). That is to say that "reduced power" from the aforementioned code *performance* constraints as being argued is a result from constraining execution instructions, execution time and other such constraints (emphasis added).

Bartley discloses "In the case of either a compiler or assembler, an optimizing process finds, for each functional unit, program segments during which the functional unit is not used are located. The said segments would be of *longer duration* than some *predetermined threshold*, wherein the processor instructions to be inserted are based on the duration of non-activity (longer duration than some predetermined threshold). Herein the predetermined threshold obviously relates to execution time in order to be effective or have any meaningful result. Once these segments are found, the compiler then inserts a power-modifying instruction at the point in the code when the functional unit first goes out of use." (Column 7, lines 42-43). This section of **Bartley**, clearly teaches modifying code depending on time constraints related to execution time in order to reduce power consumption. Although the applied passage does not expressly recite "the number of additional cycles of execution time", the duration of execution time equals the additional cycles of execution when measured in time. As such, the examiner deems that the teaching herein is reasonably interpreted in light of the instant limitation ("*performance of code constraints*") as defined in the specification above, particularly

in light of "*other such constraints*" included in the specification definition. Therefore, **Bartley's** teaching of an execution-time threshold would have been sufficient motivation to one of ordinary skill in the art, at the time the invention was made to consider execution time in relation to instructions to save power. Thus, the rejection is maintained in light of the instant argument.

(D) **Li** discloses section 3.3, "Software Energy and Performance Model", wherein the execution time of the program and the number of instructions in the program are disclosed to directly affect the software performance model. **Li** further teaches "Goal II: minimized power under performance constraints" (See **Li**, page 4, Section 4.3 "System-Level Energy Optimization Algorithm". Thus, it would have been obvious from **Li** and **Bartley's** teachings to satisfy user specified real-time performance constraints while inserting power down instructions to reduce the power consumption as claimed in the independent claims. Therefore, the examiner maintains the position that **Bartley** and **Li** are reasonably pertinent to the particular problem with which the applicant was concerned, namely energy conservation and the rejection is maintained in light of the amendments.

Additionally, in respect to Applicant's arguments pertaining to the motivation to combine **Bartley** and **Li** (see response, page 15, second paragraph), the examiner disagrees. Applicant argues:

> "The purported motivation is in the context of finding code segments of long enough duration to make it worth shutting down a functional unit. If it would take longer that the amount of time required for execution of the segment to turn it off and then back on, it would not

> make sense to turn it off in the first place. "Various power modeling techniques can be used to determine the length of time during which it is more efficient to turn a component off (or partially off) then on again versus leaving it on." [see Bartley] Col. 7, lines 16-19. It does not relate directly to satisfying user-specified real time constraints or program performance as currently claimed.

Herein, as quoted by Applicant, the **Bartley** passage expressly discloses "*various power modeling techniques*" to "*determine the length of time during which it is more efficient*" to turn a component off and on. At this point again, it is stressed by the examiner that this is taking place via power down instructions (software) in a hardware platform or better known when combined (software/hardware) as a system, in which, one of ordinary skill in the art is well aware that during system engineering, particularly embedded systems, power optimization is a main concern. As such, one of ordinary skill in the art would be motivated to look to embedded systems (**Li**) when dealing with power optimization of any kind of software/hardware system (**Bartley**). Thus, one of ordinary skill in the art would have been motivated to consider performance optimization goals when dealing with system engineering such as **Bartley**.

Applicant then contends that **Bartley** does not relate directly to program performance (page 15, second paragraph) which examiner strongly disagrees. As disclosed above in Applicant's quote of **Bartley**, duration of time (time constraint) to determine software power optimization instructions placement (program code) is a

direct relation between program instruction performance and time constraints. Again, it should be noted that **Li** is applied to the limitation of real-time performance.

(E) In regard to Applicant's arguments that the examiner's statement that the threshold inherently must be predetermined or user specified is an alternative way of determining the threshold (page 16, second paragraph) and as such shows the result does not necessarily flow from the cited language, and the rejection is improper, the examiner again strongly disagrees. It should be noted that Applicant mischaracterizes examiners statement. Examiner intended to equate user specified as predetermined rather than imply that one or the other may be used in an alternate way as Applicant interpreted. To further clarify, in order to have a time duration threshold, there necessarily must be a predetermined threshold. Now, whether a programmer (user) chooses a known algorithm to apply, or requests a duration from a user, there must be a specification made by a user. Therefore, a user specification must exist in order for a predetermined threshold to exist. As such it is inherent, as illustrated from the simple logic above, that a predetermined threshold as disclosed by **Bartley,** was user specified. Therefore, the rejection is maintained in light of the instant argument.

(F) In regard to Applicant's argument that the threshold appears to be fixed and based on efficiency, and thus is not specified by the user as a constraint (page 16, third paragraph), the examiner refers Applicant to the above section. It is unclear to the examiner how Applicant equates a fixed threshold or fixed time duration in this case based on execution time to not be a constraint. A time duration

specified (predetermined time threshold) seems to clearly be a time constraint. Accordingly, the threshold determined by the user is a user specified constraint.

(G) Independent claims 14, 24 and 34 are rejected for the reasons stated above, as Applicant relies on the same argument as noted above. Thus, Claims 2-10, 15-21, 25-31 and 35-42 are also rejected for at least the reason that they are dependent on a rejected base claim.

Claim Rejections

Claims 1-44, are pending claims, and stand finally rejected in light of the additional clarifications provided and/or addressed at item 2 above, Prior Art's Arguments – Rejections and as provided below for completeness.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims **1, 2, 11-15, 22-25, 32-36, 43** and **44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartley, US 6,219,796 (hereinafter **Bartley**), in view of Y. Li et al. A framework for estimating and minimizing energy dissipation of embedded hw/sw systems, (hereinafter **Li**).

In regard to claim **1**, **Bartley** discloses:

- "*A method of compiling computer code including power-down instructions to reduce power consumption during execution of the code...*" (E.g., see Figure 7 & Column 2, lines 62-67), wherein it is inherent that the code is efficient when executed by a processor.
- "*...identifying one or more potential locations in the computer code where the power-down instructions can be inserted...*" (E.g., see Figure 7 & Column 7, lines 10-21), wherein the potential locations are identified by scanning the code.
- "*...selecting locations to insert the power-down instructions from the identified potential locations in the code based on reducing power consumption ...*" (E.g., see Figure 7 & Column 7, lines 39-43), wherein the locations are determined by a predetermined threshold duration of non-use.
- "*...inserting the power-down instructions in the selected locations to reduce the power consumption during the execution of the code ...*" (E.g., see Figure 7 & Column 7, lines 43-46), wherein the power modifying or power-down instruction is then inserted to reduce the power consumption.

But **Bartley** does not expressly disclose "*...satisfying user-specified real-time constraints...*". However, **Li** discloses:

- "...*satisfying user-specified real-time performance constraints...*" (E.g., see Figure 5 & Page 4, Section 4.3), wherein the user specifies one of many multiple objective optimization goals via performance constraints.

Bartley and **Li** are analogous art because they are both concerned with the same field of endeavor, namely, an optimizing compiler with the means to reduce power or energy consumption. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine user specified real-time constraints with **Bartleys'** power reduction methods. The motivation is disclosed by **Bartley,** as he refers to program segments having a duration longer than a "predetermined threshold." (Column 7, lines 42-43), wherein it is obvious the threshold may be determined by a user either via a user selected algorithm or other user input.

In regard to claim **2**, the rejections of base claim **1** are incorporated. Furthermore, **Bartley** discloses:

- "...*wherein the code is written for a microprocessor having distinct functional units.*" (E.g. see Figure 7 & Column 3, lines 3-8) wherein the common characteristic is any processor or microprocessor that has more than one independent or distinct functional units.

In regard to claim **11**, the rejections of base claim **1** are incorporated.Furthermore, **Li** discloses:

- "... *the number of power-down instructions that can be inserted in an execution path, including one or more identified potential locations.*"

(E.g. see Table 2 & Section 5.2), wherein the time improvement or a negative time improvement as a performance constraint is taught and may be used to limit the number of instructions inserted.

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine **Li's** user specified real-time constraints with **Bartleys'** power reduction methods. The motivation is disclosed by **Bartley,** as he refers to program segments having a duration longer than a "predetermined threshold." (Column 7, lines 42-43), wherein it is obvious the threshold may be determined by a user either via a user selected algorithm or other user input. Furthermore, the segment is a direct relationship to **Li's** teaching of user specified performance constraint of time or execution cycles executed as a consequence of the energy savings. Additionally, **Bartley** provided the motivation for a number of power down instructions (E.g. see, Figure 5 & Column 2, line 11) wherein, it would have been obvious to one of ordinary skill in the art, to factor in particular power down instructions and the number of such instructions, based on the energy savings in relation to the overhead drawback.

In regard to claim **12**, the rejections of base claim **11** are incorporated.

Furthermore, **Li** discloses.

- "...*the number of additional cycles of execution time the user is willing to incur due to an insertion of the power-down instruction at each of the identified potential locations.*" (E.g. see Table 2 & Section 5.2), wherein the "...minimum energy dissipation while not exceeding the budget of clock cycles to execute..." is taught.

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine user specified real-time constraints with **Bartleys'** power reduction methods. The motivation is disclosed by **Bartley,** as he refers to program segments having a duration longer than a "predetermined threshold." (Column 7, lines 42-43), wherein it is obvious the threshold may be determined by a user either via a user selected algorithm or other user input.

In regard to claim **13**, the rejections of base claim **11** and claim **12** are incorporated. Furthermore **Bartley** discloses:

- "*...inserting power-up instruction in the code to restore at least one functional unit to a ready state powered-down by the inserted power-down instructions..*" (E.g. see Figure 7 & Column 6, lines 8-19), wherein the power up instruction is inserted.

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine **Li's** user specified real-time constraints with **Bartleys'** power reduction methods. The motivation is disclosed by **Bartley,** as he refers to program segments having a duration longer than a "predetermined threshold." (Column 7, lines 42-43), wherein it is obvious the threshold may be determined by a user either via a user selected algorithm or other user input. Additionally, the segment is a direct relationship to **Li's** teaching of user specified performance constraint of time or execution cycles executed as a consequence of the energy savings.

As per claims **14, 15, 22** and **23,** this is a computer-readable medium version of the claimed method discussed above, in claims **1, 2, 11** and **13,** wherein all claimed

limitations have also been addressed and/or cited as set forth above, wherein **Bartley** also discloses "a storage device and external memory" (16), (E.g. see, Figure 1 and associated text).

As per claims **24, 25, 32** and **33,** this is a computer system version of the claimed method discussed above, in claims **1, 2, 11** and **13,** wherein all claimed limitations have also been addressed and/or cited as set forth above, wherein **Bartley** also discloses a computer system (E.g. see, Figure 1 and associated text).

In regard to claim **34**, the rejections of claim **1** are incorporated. Additionally, **Bartley** discloses:

- "*A computer readable medium having a computer program including instructions for causing a computer to perform a method of selectively controlling power to different functional units of the computer, the instructions comprising...*" (E.g., see Figure 7 & Column 7, lines 10-21), wherein it is inherent that the instructions have to be on a computer-readable medium to be scanned by a computer process.
- "*...power-down instructions inserted in the computer-program in selected locations based on reducing power consumption...*" (E.g., see Figure 7 & Column 7, lines 10-21), wherein the potential locations are identified by scanning the code.
- "*...the power-down instructions in the selected locations reduce the power consumption during the execution of the code...*" (E.g., see

Figure 7 & Column 2, lines 6-13), wherein the locations are determined by a predetermined threshold duration of non-use.

As per claims **35, 36, 43** and **44,** the base claim **34** is incorporated. Furthermore, this is another computer-readable medium version of the claimed method discussed above, in claims **1, 2, 11** and **13,** wherein all claimed limitations have also been addressed and/or cited as set forth above, (E.g. see Figure 1 & associated text), wherein a computer readable medium is shown (16).

4. Claims **3-10, 16-21, 26-31** and **37-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bartley** in view of **Li** and further in view of G. Ramalingam. Data Flow Frequency Analysis, SIGPLAN Conference on Programming Language Design and Implementation, 1996, (hereinafter **Ramalingam**).

In regard to claim **3**, the rejections of base claim **2** are incorporated. Furthermore, **Bartley** discloses:

- "... *based on the functional units not being used in the potential locations, wherein the functional units not being used are determined based on functional unit usage* ..." (E.g. see Figure 7 & Column 7, lines 10-21), wherein the functional units are not used.

But **Bartley** does not specifically disclose a "...*transfer functions at each of the potential locations as specified in standard monotone data-flow frameworks.*" However, **Ramalingam** discloses:

- "*...transfer functions at each of the potential locations as specified in standard monotone data-flow frameworks.*" (E.g. see Section 3, The expected Frequency of Dataflow Facts), wherein the use of transfer functions as specified in standard monotone data-flow frameworks is taught.

The combined teaching and **Ramalingam** are analogous art because they are both concerned with the same field of endeavor, namely program optimization via standard analysis. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine a transfer function with static analysis method disclosed by the combined art of an optimizing compiler embodiment. The motivation is disclosed by **Bartley,** "Locating program segments during which a functional unit is not used may be done by either static or dynamic program analysis." (Column 7, lines 47-49).

In regard to claim **4**, the rejections of base claim **3** are incorporated. Furthermore, **Bartley** discloses:

- "*... statically analyzing processor cycles prior to executing the code.*" (E.g. see Figure 7 & Column 7, lines 47-52), wherein the processor or execute cycles are estimated by the compiler for static analysis.

In regard to claim **5**, the rejections of base claim **4** are incorporated. Furthermore, **Bartley** discloses:

- "...*the text in the code...*" (E.g. see Figure 7 & Column 7, lines 47-52), wherein the start and stop points exist in the program segments or text in the code.

In regard to claim **6**, the rejections of base claim **3** are incorporated. Furthermore, **Bartley** discloses:

- "...*a first power-down instruction operable to reduce power to all of the at least one functional unit, such that the functional unit is placed in a low state of readiness and a second power-down instruction operable to reduce power to only a part of the at least one functional unit, such that the functional unit is placed in an intermediate state of readiness.*" (E.g. see Figure 6 & Column 6, line 60 – Column 7, line 3), wherein the "less ready" or low state and a "more ready" or intermediated state of readiness are taught.

In regard to claim **7**, the rejections of base claim **1** are incorporated. But Bartley does not expressly disclose "...*executing the code to generate power-profiling and execution path-profiling information...*" or "...*assigning a weight factor based on the profile information...*". However, **Li** discloses:

- "...*executing the code to generate power-profiling information associated with each of the identified potential locations...*" (E.g. see Figure 2 & Page 3, Section 3.4), wherein Figure 2 shows the program execution trace which generates the software performance model and the software energy model is also generated based on the execution

trace and then coupled with the memory energy models to account for the total system energy generating power information or a power-profile.

- "...*assigning a weight factor to each of the identified potential locations based on the generated power-profiling*..." (E.g. see Figure 5 & Section 4.2), wherein the EES/CSI ratio or weight factor prioritizes and then gets assigned a probability based on the ratio. Further the EES/CSI numbers are based on the profile information. Additionally, the user specifies constraints to be met in real-time in section 4.3.

But the combined teaching of **Bartley** and **Li** do not expressly disclose "...executing the code to generate path-profiling information...". However, **Ramalingam** discloses:

- "...*path-profiling information*..." (E.g. see Section 1), wherein the path-profiling information is used to estimate probability.
- "...*and path-profiling information; and selecting the locations to insert the power-down instruction from the identified locations based on the assigned weight factors*..." (E.g. see Section 3, lemma 2), wherein the result is "...weighted...".

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine power and path profile information with **Bartleys'** power reduction methods. Motivation was provided by **Bartley,** when he referred to static and dynamic analysis utilizing execution cycles, loop cycles and other

"statistical predictions." (Column 7, lines 47-52), wherein it would have been obvious, at the time the invention was made, that **Li's** constraints and profile algorithm would be beneficial to the efficiency of a power reduction embodiment disclosed by **Bartley**. Furthermore, motivation was provided by **Li** (Figure 2) wherein, the program execution trace used by **Li** would only been beneficial if there was a probability that the path will actually be used.

In regard to claim **8**, the rejections of base claim **7** are incorporated. Furthermore, **Li** discloses:

- "*...generating execution probability of each of the identified potential locations based on the generated path-profiling information.*" (E.g. see Section 3, lemma 2), wherein the result is "...weighted..." by the probability of execution of the path.

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine probability derived from path profile information with **Bartleys'** power reduction methods in order to increase the efficiency by increasing the depth of the analysis.

In regard to claim **9**, the rejections of base claim **8** are incorporated. Furthermore, **Li** discloses:

- "*...extracting potential energy savings for each of the identified potential locations using the generated power profile analysis information...*" (E.g. see Figure 5 & Page 4, Section 4.2), wherein the EES is the estimated energy savings.

- "*...assigning the weight factor to each of the identified potential locations based on the extracted potential energy savings and the generated execution probability.*" (E.g. see Figure 5 & Page 4, Section 4.2), wherein the EES/CSI ratio or weight factor prioritizes and then gets assigned a probability based on the ratio. Further the EES/CSI numbers are based on the program execution trace or generated path-profiling information.

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine potential energy savings derived from power profile information with **Bartleys'** power reduction methods in order to increase the efficiency by increasing the depth of the analysis.

In regard to claim **10**, the rejections of base claim **9** are incorporated. Furthermore, **Li** discloses:

- "*...executing the code to assign a first weight factor based on the extracted potential energy savings to each of the identified potential locations...*" (E.g. see Figure 2 & Column 3, lines 3-8), wherein the software performance model includes the product of execution cycles of a given instruction and the number of times an instruction is used or path profile and power information is factored to derive a weight factor.
- "*... executing the code to assign a second weight factor based on execution probability at each of the identified potential locations...*" (E.g. see Figure 2 & Column 3, lines 3-8), wherein the software

performance model includes the product of execution cycles of a given instruction and the number of times an instruction is used or path profile.

- "*...computing a product of the first and second weight factors for each of the identified potential locations; calculating the weight factor for each of the identified potential locations based on the computed product of the first and second weight factors; and assigning the calculated weight factor to each of the identified potential locations.*" (E.g. see Figure 2 & Column 3, lines 3-8), wherein the software performance model includes the product of execution cycles of a given instruction and the number of times an instruction is used or path profile and the weight factor is assigned based on a product of weighted factors of both the energy savings or power profile and execution probability. The EES/CSI ratio as disclosed above is based on the products of path and profile information.

As per claims **16-21,** this is a computer-readable medium version of the claimed method discussed above, in claims **3, 4** and **7-10,** wherein all claimed limitations have also been addressed and/or cited as set forth above, (E.g. see Figure 1 & associated text), wherein a computer readable medium is shown (16).

As per claims **26-31,** this is a computer system version of the claimed method discussed above, in claims **3, 4** and **7-10,** wherein all claimed limitations have also been

addressed and/or cited as set forth above, (E.g. see Figure 1 & Column 3, lines 3-8), wherein a computer system is shown.

As per claims **37-42,** the base claim **34** and **35** are incorporated. Furthermore, this is another computer system version of the claimed method discussed above, in claims **3, 4** and **7-10,** wherein all claimed limitations have also been addressed and/or cited as set forth above, (E.g. see Figure 2 & Column 3, lines 3-8), wherein a computer system is shown.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Romano whose telephone number is (571) 272-3872. The examiner can normally be reached on 8-5:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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